

# House Study Bill 194 - Introduced

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES BILL BY  
CHAIRPERSON JENEARY)

## A BILL FOR

- 1 An Act relating to persons certified to conduct
- 2 time-of-transfer inspections of private sewage disposal
- 3 systems, and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.172, subsection 11, paragraph e,  
2 Code 2023, is amended to read as follows:

3 e. (1) Pursuant to chapter 17A, the department shall adopt  
4 certification requirements for inspectors, including training,  
5 testing, and fees, and shall establish uniform statewide  
6 inspection criteria and an inspection form. The inspector  
7 certification training shall include use of the criteria and  
8 form.

9 (2) An inspector's certification shall be considered  
10 current if the inspector has paid initial and renewal fees  
11 required to maintain certification and has not otherwise been  
12 decertified.

13 (3) The department shall maintain a publicly available list  
14 of currently certified inspectors, including a page for each  
15 inspector, on the department's internet site. The department  
16 shall maintain the list such that an inspector's name is  
17 displayed next to the date that the inspector's certification  
18 first became valid and the date that the inspector's  
19 certification is set to expire. A page of a specific inspector  
20 shall display the date and time that the inspector submitted  
21 inspection reports. The list of all currently certified  
22 inspectors and the pages for all individual inspectors shall  
23 include a date and time stamp indicating when the user accessed  
24 the information and such date and time stamp must be displayed  
25 in a manner so that the date and time stamp appears when  
26 printed in a standard format.

27 Sec. 2. Section 455B.172, subsection 11, Code 2023, is  
28 amended by adding the following new paragraphs:

29 NEW PARAGRAPH. j. The county recorder's office shall not  
30 accept and record a time-of-transfer inspection report if the  
31 county recorder or the county recorder's agent knows or should  
32 have known that the inspection was conducted by a person who  
33 was not on the department's list maintained under paragraph "e"  
34 on the day of the inspection. If a county recorder's office  
35 violates this paragraph, the county is liable for up to ten

1 thousand dollars in damages to the purchaser.

2 NEW PARAGRAPH. *k.* The county recorder's office shall not  
3 alter the date or time of a time-of-transfer inspection report.  
4 If a county recorder's office violates this paragraph, the  
5 county is liable for up to ten thousand dollars in damages to  
6 the purchaser.

7 NEW PARAGRAPH. *l.* A time-of-transfer inspection report  
8 shall include the date and time that the inspection occurred  
9 and an affidavit signed by the inspector declaring that, under  
10 penalty of perjury pursuant to section 720.2, the inspector  
11 exercised due diligence in conducting the inspection. An  
12 inspector that falsifies information on the inspection report  
13 is liable for up to twenty-five thousand dollars in actual  
14 damages incurred by a purchaser to repair damage caused by  
15 a sewage disposal system that did not conform to standards  
16 adopted by the department and bring the sewage disposal system  
17 into conformance with standards adopted by the department or  
18 replace the sewage disposal system with a system that conforms  
19 with standards adopted by the department.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 This bill relates to persons certified to conduct  
24 time-of-transfer inspections of private sewage disposal  
25 systems. Current law requires an inspection of a private  
26 sewage disposal system of a building in which a person resides,  
27 congregates, or is employed prior to any transfer of ownership  
28 of the building. The department of natural resources (DNR) is  
29 required to adopt certification requirements for inspectors and  
30 maintain a list of certified inspectors.

31 The bill states that an inspector's certification is  
32 considered current if the inspector has paid initial and  
33 renewal fees required to maintain certification and has not  
34 otherwise been decertified. DNR's list shall display currently  
35 certified inspectors and shall be publicly available on DNR's

1 internet site. The bill provides additional information and  
2 formatting requirements for DNR's list.

3 The bill prohibits a county recorder's office from accepting  
4 and recording a time-of-transfer inspection report if the  
5 county recorder or the county recorder's agent knows or should  
6 have known that the inspection was conducted by a person who  
7 was not on DNR's list on the day of the inspection. A county  
8 recorder's office also shall not alter the date or time of a  
9 time-of-transfer inspection report. If a county recorder's  
10 office violates either prohibition, the county is liable for up  
11 to \$10,000 in damages to the purchaser.

12 The bill requires a time-of-transfer inspection report to  
13 include the date and time that the inspection occurred and an  
14 affidavit signed by the inspector declaring that, under penalty  
15 of perjury, the inspector exercised due diligence in conducting  
16 the inspection. An inspector that falsifies information on the  
17 inspection report is liable for up to \$25,000 in actual damages  
18 incurred by a purchaser to repair damage caused by a sewage  
19 disposal system that did not conform to standards adopted by  
20 DNR and bring the sewage disposal system into conformance  
21 with standards adopted by DNR or replace the sewage disposal  
22 system with a system that conforms with standards adopted by  
23 DNR. Perjury is a class "D" felony. A class "D" felony is  
24 punishable by confinement for no more than five years and a  
25 fine of at least \$1,025 but not more than \$10,245.